



United States Department of Justice

# Office on Violence Against Women

*Working Together to End the Violence*

## **Award condition: General appropriations-law restrictions on use of federal award funds (FY 2018)**

This award condition applies to all OVW awards made during FY 2018 (October 1, 2017 - September 30, 2018).

*Background.* The federal appropriations statutes that provide (among many other things) the funds that OVW awards in its grants and cooperative agreements include various restrictions on how the federal appropriated funds may be used. These restrictions, which often appear in sets of "General Provisions," typically do not relate to a particular program, or even to a particular agency such as OVW. Rather, they are wide-ranging, "cross-cutting" restrictions.

### **Award condition:**

Each recipient of an OVW award made in FY 2018, and any subrecipient ("subgrantee") at any tier under an OVW award made in FY 2018, must comply with all applicable restrictions, as set out below.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of a restriction set out in this award condition, the recipient is to contact OVW for guidance, and may not proceed without the express prior written approval of OVW.

#### *A. Restrictions applicable to all federal funds awarded by OVW in FY 2018*

1. Publicity or propaganda. Federal funds are not legally available, and may not be used (whether directly or indirectly, including by private contractors), for publicity or propaganda purposes not authorized by the Congress.
2. Certain employee trainings. Federal funds are not legally available, and may not be used, for any employee training that--
  - (1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;
  - (2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;
  - (3) does not require prior employee notification of the content and methods to be used in the training and written end-of-course evaluation;

- (4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or
- (5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

Nothing in this provision prohibits, restricts, or otherwise precludes an agency from conducting training bearing directly upon the performance of official duties.

### 3. Nondisclosure policies, forms, and agreements.

(a) General rule - Federal funds are not legally available, and may not be used, to implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following provisions:

"These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing federal statute or Executive Order relating to-- (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive Orders and federal statutory provisions are incorporated into this agreement and are controlling."

Notwithstanding the above provision, a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the United States Department of Justice, that are essential to reporting a substantial violation of law.

(b) Certain exceptions. Under certain circumstances, a nondisclosure agreement that does not contain the provisions set out in subsection (a) above nevertheless may continue to be implemented and enforced. Should a question arise as to whether an exception to the general rule set out in subsection (a) may be available for a particular nondisclosure agreement, the recipient is to contact OVW for guidance, and the recipient may not use federal funds to implement, continue to implement, or enforce the nondisclosure agreement without the express prior written approval of OVW.

4. ACORN and related organizations. Absent express prior written approval from OVW, Federal funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

*B. Restrictions applicable only to certain federal funds under OVW awards made in FY 2018*

1. Nondiscrimination in programs involving students. Funds appropriated under the Department of Justice Appropriations Act, 2018, and awarded by OVW are not legally available, and may not be used, to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or those of their parents or legal guardians.

2. Blocking of pornography on computer networks. Funds appropriated under the Department of Justice Appropriations Act, 2018, and awarded by OVW are not legally available, and may not be used, to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

Nothing in this provision limits the use of funds necessary for any federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

(This provision also applies to any OVW award of other funds appropriated under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018.)

3. Award or incentive fees to contractors. Funds appropriated under the Department of Justice Appropriations Act, 2018, and awarded by OVW are not legally available, and may not be used, to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract. (This restriction also applies to any OVW award of other funds appropriated under the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018.)

4. Use of funds in connection with abortion. Funds appropriated under the Department of Justice Appropriations Act, 2018, and awarded by OVW are not legally available, and may not be used -- (1) to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest; or (2) to require any person to perform, or facilitate in any way the performance of, any abortion.

5. "Pay-to-stay" at local jails. Funds appropriated to the Department of Justice through an annual appropriations statute and awarded by OVW are not legally available to, and may not be provided to, any local jail that runs a "pay-to-stay" program. (Monies in the Crime Victims Fund are not appropriated through an annual appropriations statute.)